

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A 180/00144/17

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

V.P.Subramanian
 S/o.Late Mr.V.P.Thupran
 ASRM, RMS 'CT' Division, Calicut RMS
 Residing at Melekammiliyil
 Moscowpara, Chenekkal, Calicut University P.O
 Malappuram – 673 635

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Applicant

(By Advocate – Mr.V.Sajith Kumar)

V e r s u s

1. Union of India, represented by the Secretary to the Government of India, Department of the post Government of India, New Delhi – 110 001
2. The Chief Postmaster General, Kerala Circle Trivandrum – 695 033
3. The Postmaster General
 Northern Region
 Calicut – 673 011

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Respondent

(By Advocate – Mr.N.Anil Kumar, Sr.PCGC(R))

This Application having been heard on 5.4.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

*Per: **Dr.K.B.Suresh, Judicial Member***

Heard both sides. The question of responsibility without any specific order in the issue is the matter. Apparently, applicant was found to be negligent in his duties in so far as, and the department contends even without a specific order in this regard he could

have reviewed the work of a committee appointed by the Superintendent of Post Offices to conduct an enquiry consisting of a Senior ASP and one of the Inspector of Post Offices and under the process of review assess and adjudge the process of investigation by this committee and so could have prevented the persons who are responsible from being retired from service and thus could have prevented loss of the department.

2. We have heard the matter in great detail. We could not find any single instance in which this specific task was adjudged to that of the applicant. Even going by the Postal Manual it is submitted that the applicant had the responsibility to assist the SPO. But then since the SPO has directly appointed another Senior ASP Shri.Premlal to conduct the investigation, the contention taken by the applicant that he has no jurisdiction and no power to supervise Shri.Premlal seems to be correct.

3. Therefore, the show cause notice issued against the applicant seems to be *prima facie* not warranted as this specific task was never given to the applicant and in the absence of a specific task given to the applicant he cannot be held responsible for this. The O.A is allowed. Show-cause notices are quashed. No costs.

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(DR.K.B.SURESH)
JUDICIAL MEMBER**

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List of Annexures

Annexure A-1 - A true copy of the letter No.INV/4-1/06-07/Pt III dated 11.11.2016 issued by the 3rd respondent

Annexure A-2 - A true copy of the letter No.INV/4-1/06-07/Pt III dated 11.5.2015 issued by the 3rd respondent

Annexure A-3 - A true copy of the statement of objections dated 18.8.2015 filed by the applicant before the 3rd respondent

Annexure A-4 - A true copy of the CLIR report along with the remarks of PMG and orders issued by the Superintendent of posts

Annexure A-5 - A true copy of the minutes of the Review Meeting dated 14.6.2016 and 15.6.2016 convened by the Senior DGP (Vig.) at the office of the 2nd respondent

Annexure A-6 - A true copy of the extract of the report released to the applicant by letter No.INV/4-1/06-07/Pt III dated 11.8.2015 issued by the 2nd respondent

Annexure A-7 - A true copy of the letter No.F1/1/2006-07 dated 6.12.2006 issued by the Divisional Superintendent to the SI of Police, CBI

Annexure A-7(a) - A true copy of the letter No.F1/1/06-07 dated 1.2.2007 issued by the Divisional Superintendent to the SI of Police, CBI

Annexure A-7(b) - A true copy of the letter No.F1/1/2006-07 dated 20.2.2007 issued by the Divisional Superintendent to the SI of Police, CBI

Annexure A-7(c) - A true copy of the letter No.F1/1/06-07 dated 17.9.2007 issued by the Divisional Superintendent to the SP Police, CBI

Annexure A-8 - A true copy of the letter dated 18.12.2007 issued by the SP of Police, CBI to the 2nd respondent

Annexure A-9 - A true copy of relevant pages of the Postal Manual (Vol.VIII)

Annexure R-1 - Copy of G.I., M.F., O.M.No.F.5(75)-E, V/59, dated the 28th August, 1959 and the 6th October, 1960 and No.5(4)-E.V(A)/78, dated the 28th June, 1978

Annexure R-2 - Copy of Report of Regional Investigation team

Annexure R-3 - Copy of the SP, Tirur letter No.F1/1/06-07 dated 13.1.2009

Annexure R-4 - Copy of extract of Rule 137 of Postal Manual Volume III

Annexure R-5 - Copy of the petition dated 13.12.2016 submitted by the applicant before the DG (Posts), New Delhi

Annexure A-10 - A true copy of the letter No.C-3216/07/2006-VP dated 14.11.2006 issued by the 1st respondent

Annexure A-11 - A true copy of the file noting dated 06.01.2015 of the 3rd respondent

Annexure A-12 - A true copy of the letter dated 27.4.2011 issued by the Superintendent of Posts, Tirur to the 3rd respondents

Annexure A-13 - A true copy of Letter No.Inv/4-1/06-07/pt III dated 3.1.2012 issued by the 3rd respondent

Annexure A-14 - A true copy of letter No.F1/1/06-07 dated 10.01.2012 issued by the Superintendent of Post Offices, Tirur to the 3rd respondent

Annexure A-15 - A true copy of letter No.ST/1/1/4/2011 dated 8.12.2011 issued by the 2nd respondent

Annexure A-16 - A true copy of the letter No.F1/06-07/pt III dated 7.12.2007 forwarded by the Superintendent to the Director of Postal Services.

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